

No. 9(1)81-6Lab/14826.—In pursuance of the provisions of section 17 of the Industrial disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Mahajan International, G.T. Road, Panipat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 16 of 1980

between

SHRI PREM KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. MAHAJAN INTERNATIONAL
G.T. ROAD, PANIPAT

Present:—

Shri Raghubir Singh for the workman.

Shri Surinder Kaushal for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/28—79/7th January, 1980 under section 10(i)(c) of the I.D. Act for adjudication of the dispute existing between Shri Prem Kumar, workman and the management of M/s. Mahajan International, Panipat. The term of the references was:—

Whether the termination of services of Shri Prem Kumar was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared in response to the same, filed their respective pleadings, on basis of which the following issues were framed on 18th November, 1980:—

1. Whether the applicant is a workman under section 2(s) of the I.D. Act? If so, to what effect?
2. As per the term of references?

Issue No. 1 was treated as preliminary and the workman was asked to adduce his evidence on this issue. After obtaining three four adjournments the workman representative stated at the bar on 29th September, 1981, that workman was not turning up in spite of his repeated intimations to him and he is not interested in pursuing his demand leading to this reference. He also withdrew himself from the proceedings. The workman was proceeded *ex parte*. *Ex parte* evidence of the management was recorded. Shri R.K. Sethi Export Executive Respondent appeared as their only witness. I also heard the arguments. I decide issues as under:—

Issue No. 1 & 2:—MW-1 Shri R.K. Sethi deposed that Shri Prem Kumar, workman was working as Master and was drawing Rs 525/- per month in the supervisory capacity under whom 30 to 40 tailors were working. There were two masters working with the respondent. Prem Kumar was the junior and his services were terminated on account of less work as no export orders were received during that period. Along with the workman the services of about 20 tailors were also terminated. The workman was paid Rs 2,163/-,—*vide* voucher Ex. M-1 at the time of his termination.

I have no reason to disbelieve the *ex parte* statement of the management witness when the workman has not cared to pursue his demand raised on the management leading to this reference. Relying on the statement I hold that the workman was employed in a supervisory capacity drawing more than Rs 500/- as his salary and as such is not covered under the definition of workman given in section 2(s) of the I.D. Act thereby incapacitating himself from raising the present dispute. Moreover the workman has been paid his legal dues in full and final,—*vide* voucher Ex. M-1 which also justifies his termination on account of less work left with the management as no orders were forthcoming. The workman is therefore not entitled to any relief. The reference is answered and returned accordingly.

Dated the 10th December, 1981

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endst. No. 4243, dated 14th December, 1981.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.